



MCGREEVY • WILLIAMS

EPA Region 5 Records Ctr.



370619

August 16, 2010

Received

AUG 17 2010

Emergency Enforcement
Services Section

Carol Ropski
U.S.E.P.A. - Region 5
Emergency Enforcement Services Section
77 West Jackson Blvd., SE-5J
Chicago, IL 60604-3590

*Re: Section 104 (e) Request for Information
Bautsch-Gray Mine Site, Site ID#B5TS*

Dear Ms. Ropski:

I am writing on behalf of Louie's Trenching Service, Inc., ("Louie's") in response to that portion of your letter of July 22, 2010, seeking information pursuant to Section 104(e) of CERCLA.

In my letter to you dated August 10, 2010, USEPA was advised that Louie's is not a responsible party for any release or threatened release at the above referenced Site. While Louie's is providing the foregoing responses to your 104(e) request, Louie's objects to the requests on the basis that Louie's is not a responsible party. Further, Louie's objects to the requests on the basis that the requests seek information beyond the Site in question, and therefore "is not exercised only for the purposes of determining the need for responses" [based on a] "reasonable basis to believe there may be a release or threat of release" (42 USC 9604(e)(1)). Without waiving its objections, Louie's responds to your requests as follows:

1. Louie's lacks direct personal knowledge of actual purchases of or the removal of fill by specific persons, firms or entities. Upon information and belief, the Site was open to the public for the purchase of materials, as were a number of similar facilities in Northwest Illinois and Southern Wisconsin. Louie's purchased small quantities of materials between Spring, 1998 and Summer, 2000. Louie's had access to its own quarries and therefore had little, if any, reason or need to purchase more than de minimis amounts of product from the Site.

2. Ken Johnston, believed to be the Owner.
3. Spring, 1998.
4. Spring, 1998 to Summer, 2000, involving approximately 35 transactions and approximately 6,000 yards of material for which Louie's paid a total of approximately \$4,700.00.
5. Mine tailings consisting of crushed rock.
6. See attached laboratory tests.
7. Unknown. Louie's does not have sufficient information to provide a response; Louie's had its own quarries and rock supplies; Louie's does not have sufficient information to identify specific locations.
8. See response to number 4. Louie's does not have knowledge of the quantity of each transaction but believes that the amount charged was \$0.75 per yard, or perhaps slightly higher.
9. Louie's paid \$0.75/yard, paid by check.
10. Louie's does not and has never engaged in mine waste material handling, storage or disposal practices. Louie's employees who may have been at the Site are: Louie Timp, Robert Hahn and Dick Edmonds, all available for contact through Louie's counsel.
11. Louie's does not have contracts, agreements or other arrangements relating to materials from this Site. Upon information and belief, substantially all of the material was utilized by Louie's as road rock.
12. Dump trucks which had covers. There is no record of the specific use of covers.
13. Unknown, except that materials were obviously hauled on Blackjack Road.
14. None currently exists; None relating to materials associated with the Site or materials thereon.

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15. No RCRA permits. No IEPA hazardous waste permits. No EPA numbers for relevant time period or associated with any activity concerning or relating to the Site.

As you can see from the foregoing, and from my previous correspondence, Louie's has had minimal contact with the Site and had no role at any time in connection with any release or potential release of hazardous substances from the Site.

Thank you for your attention to this response.

Very truly yours,

A handwritten signature in black ink, appearing to read 'DQ Manning', written over a horizontal line.

Donald Q. Manning

DQM/sam

cc: Joseph Nack
Louis Timp



Commonwealth
Technology, Inc.
Laboratory Division

1230 Lange Court
Baraboo, WI 53913-3109
Phone: (800) 228-3012
Fax: (608) 356-2766
EMail: bld@ctienv.com

ANALYTICAL REPORT

1 of 2

LOUIS TIMP
9720 HWY 20 WEST
GALENA, IL 61036

Project Name: LOUIE'S TRENCHING
Contract #: 1194
Project #:
Folder #: 3005
Purchase Order #:
Arrival Temperature Deg. C: ON ICE
Report Date: 3/27/00
Date Received: 3/16/00

CTI LAB#:	8991	Sample Description:	TAILINGS	Sampled:	3/15/00
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Analyte	Result	Units	LOD	LOQ	Dilution	Qualifier	Prep Date	Analysis Date	Analyst	Method
Inorganic Results										
Solids, Percent	96.00	%	N/A	N/A	1			3/21/00	AAK	EPA 5030A
Metals Results										
Arsenic	20.2	mg/kg	0.37	1.22	1		3/21/00	3/22/00	JMP	EPA 6010
Barium	13.7	mg/kg	0.46	1.55	1		3/21/00	3/22/00	JMP	EPA 6010
Cadmium	67.0	mg/kg	0.028	0.090	1		3/21/00	3/22/00	JMP	EPA 6010
Chromium	0.035	mg/kg	0.034 *	0.114	1	B	3/21/00	3/22/00	JMP	EPA 6010
Lead	1340	mg/kg	0.12	0.41	1		3/21/00	3/22/00	JMP	EPA 6010
Selenium	<0.25	mg/kg	0.25	0.81	1		3/21/00	3/22/00	JMP	EPA 6010
Silver	3.5	mg/kg	0.037	0.122	1		3/21/00	3/22/00	JMP	EPA 6010
Zinc	74500	mg/kg	0.28	0.98	1		3/21/00	3/22/00	JMP	EPA 6010
Mercury	<0.0030	mg/kg	0.0030	0.0100	1		3/20/00	3/21/00	NAH	EPA 7470

CTI LAB#:	8992	Sample Description:	TAILINGS	Sampled:	3/15/00
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Analyte	Result	Units	LOD	LOQ	Dilution	Qualifier	Prep Date	Analysis Date	Analyst	Method
Metals Results										
TCLP Arsenic	<0.0050	mg/L	0.0050	0.017	1		3/17/00	3/21/00	JMP	EPA 6010
TCLP Barium	0.0791	mg/L	0.00066	0.00210	1		3/17/00	3/21/00	JMP	EPA 6010
TCLP Cadmium	0.0657	mg/L	0.00014	0.00046	1		3/17/00	3/21/00	JMP	EPA 6010
TCLP Chromium	<0.00073	mg/L	0.00073	0.0024	1		3/17/00	3/21/00	JMP	EPA 6010
TCLP Lead	3.60	mg/L	0.0027	0.0091	1		3/17/00	3/21/00	JMP	EPA 6010
TCLP Selenium	<0.0060	mg/L	0.0060	0.020	1		3/17/00	3/21/00	JMP	EPA 6010

WI DNR Lab Certification Number: 157066030
DATCP Certification Number: 289

Solid sample results reported on a Dry Weight Basis

CTI LAB#:	8992	Sample Description:	TAILINGS	Sampled:	3/15/00
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Analyte	Result	Units	LOD	LOQ	Dilution	Qualifier	Prep Date	Analysis Date	Analyst	Method
TCLP Silver	<0.00051	mg/L	0.00051	0.0017	1		3/17/00	3/21/00	JMP	EPA 6010
TCLP Zinc	2.00	mg/L	0.00090	0.0030	1		3/17/00	3/21/00	JMP	EPA 6010
TCLP Mercury	<0.0002	mg/L	0.00016	0.00054	1		3/17/00	3/21/00	NAH	EPA 7470

Notes: * Indicates Value in between LOD and LOQ.

All samples were received intact and properly preserved unless otherwise noted. The results reported relate only to the samples tested. This report shall not be reproduced, except in full, without written approval of this laboratory. The Chain of Custody is attached.


Submitted by: 

Record Reviewer

QC Qualifiers

Code Description

B	Analyte detected in associated Method Blank.
E	Safe, No Total Coliform detected.
F	Unsafe, Total Coliform detected, no E. Coli detected.
G	Unsafe, Total Coliform detected and E. Coli detected.
H	Holding time exceeded.
L	Significant peaks were detected outside the chromatographic window.
M	Matrix Spike and/or Matrix Spike Duplicate recovery outside acceptance limits.
N	Insufficient BOD oxygen depletion.
O	Complete BOD oxygen depletion.
P	Toxicity present in BOD sample.
Q	Laboratory Control Sample outside acceptance limits.
S	Surrogate and/or internal standard recovery outside acceptance limits due to apparent matrix effects.
T	Sample received with improper preservation or temperature.
V	Raised Quantitation or Reporting Limit due to limited sample amount or dilution for matrix/background interference.
W	Sample amount received was below program minimum.
Y	Replicate/Duplicate precision outside acceptance limits.
Z	Calibration criteria exceeded.

COC #		CHAIN OF CUSTODY				Page of			
Client: <u>WALKIN - LOUIE'S TRENCHING SERVICE</u>		<div style="text-align: center;">  <p>Commonwealth Technology, Inc.</p> <p>1230 Lange Court, Baraboo, WI 53913</p> <p>Phone: 608-356-2760 Toll Free: 800-228-3012 Fax: 608-356-2766 email: boolab@ctienv.com</p> </div>				Mail Report To: <u>LOUIE Timp</u>			
Project Name:						Company: <u>LOUIE'S TRENCHING SERVICE</u>			
Project #: Acct #:						Address: <u>5720 Hwy 70 WFS</u>			
Quote #: P.O. #:						City/ State/ Zip: <u>Wauwatosa, IL 61036</u>			
Project Contact: <u>LOUIE Timp</u>						Invoice To:			
Phone #:						Company: <u>same</u>			
Collected By: <u>CLINT</u>						Address:			
Landfill License #: / PWS ID #:						City/ State/ Zip:			
Shipped Via: Fed-Ex / UPS / Courier / CTI		* Matrix		** Preservation Type		** Preservation Code			
Airbill #:		A - Air				AA - Ascorbic Acid			
COC Seal #:		DW - Drinking Water				AC - NH ₄ Cl			
Turnaround Time:		GW - Groundwater				E - EnCore®			
10 - Day / 5 - Day / 3 - Day / 24 - Hours / Other		L - Liquid				HA - HCl			
Date / Time Needed:		SD - Sediment				M - Methanol			
QC Level:		S - Soil				NA - HNO ₃			
I / II / III / IV / CLP-Like		SL - Sludge				SA - H ₂ SO ₄			
EDD: Yes / No		ST - Stormwater				SH - NaOH			
		SW - Surface Water				SS - Na ₂ SO ₃			
		W - Waste				ST - Na ₂ S ₂ O ₃			
		WW - Wastewater				ZA - Zinc Acetate			
		O - Other:				O - Other:			
Sample I.D.	Location	Collection Date	Collection Time	Sample Matrix	Grab / Comp.	Filt'd Y/N	# of Containers Per Analysis	CTI Lab #	Comments
<u>TAILINGS</u>	<u>GALFNA</u>	<u>3-15-00</u>		<u>Soil</u>			<u>X X X</u>		<u>8991</u>
				<u>Soil</u>			<u>X</u>		<u>8992</u>
									<u>TOTAL METALS</u>
									<u>As, Pb, Cd, Cr, Se</u>
									<u>PH, Hg, Ag, Zn</u>
									<u>TOTAL METALS</u>
									<u>same</u>
Relinquished By: (Signature)		Date / Time		Received By: (Signature)		Date / Time		Properly Preserved : (Yes / No) Headspace : (Yes / No) COC Seals Intact : (Yes / No / NA) Bottles Intact : (Yes / No) Temp. Upon Receipt (°C) : <u>ice</u> By : _____ Field Document Attached : (Yes / No)	
				<u>D. J. Ill</u>		<u>3/16/00</u>			